

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Rosario Maletti,	)	
Plaintiff	)	
	)	
vs.	)	CIVIL ACTION
	)	NO.
Sandler Fisheries, Inc.	)	
Defendant	)	

**PLAINTIFF'S COMPLAINT AND JURY TRIAL DEMAND**

Now comes the plaintiff, Rosario Maletti, in the above-entitled action and says:

**JURISDICTION**

This Court has Subject Matter Jurisdiction over this matter, pursuant to 46 U.S.C. 688, as well as under the General Maritime Law of the United States.

**THE PARTIES**

First: The plaintiff is a resident of the City of Gloucester, County of Essex, Commonwealth of Massachusetts, a seaman, and at all times hereinafter referred to, a member of the crew of the F/V SEA FARMER II

Second: The defendant, Sandler Fisheries Inc., is a Massachusetts corporation with a principal place of business in Gloucester, Massachusetts.

**COUNT I**

Third: The defendant, F/V SCM, Inc., at all times referred to owned, operated, controlled and managed the F/V SEA FARMER II.

Fourth: On or about August 12, 2003, the plaintiff was in the employ of the defendant, Sandler Fisheries, as a seaman aboard the F/V SEA FARMER II.

Fifth: On or about February 6, 2019, while the said F/V SEA FARMER II was in navigable waters and while the plaintiff was in the exercise of due care in the performance of his duties, he sustained severe and painful personal injuries.

Sixth: The injuries sustained by the plaintiff were not caused by any fault on his part, but were caused by the fault of the defendant Sandler Fisheries, Inc. , Inc., its agents or servants, as follows:

- (a) Failure to use due care to provide and maintain a seaworthy vessel with safe and proper appliances.
- (b) Failure to use due care to make reasonable and periodic inspection of said vessel, its equipment and appliances.
- (c) Failure to use due care to furnish the plaintiff with a reasonable safe place in which to perform the work.
- (d) Failure and negligence of fellow employees.
- (e) Failure and negligence in other respects that will be shown at trial.

Seventh: As a result of the said injuries, the plaintiff has suffered great pain of body and anguish of mind, lost a great deal of time from his usual work, incurred medical and hospital expenses, and has suffered and will suffer other damages as will be shown at trial.

Eighth: This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the plaintiff demands judgment against the defendant Sandler Fisheries. in the sum of SEVEN HUNDRED FIFTY THOUSAND (\$750,000.00) DOLLARS together with costs and interest.

## **COUNT II**

First: The plaintiff reiterates all the allegations set forth in Paragraphs "First," "Second," "Third," "Fourth," "Fifth," "Sixth," "Seventh," and "Eighth," above.

Second: The injuries sustained by the plaintiff were due to no fault of his own, but were caused by the unseaworthiness of the defendant, Sandler Fisheries Inc,'s vessel the F/V Sea Farmer II.

Third: As a result of the said injuries, the plaintiff has suffered great pain of body and mind, lost a great deal of time from his usual work, incurred medical and hospital expenses, and has suffered and will suffer other damages as will be shown at trial.

Fourth: This cause of action is brought under the same General Maritime Law for Unseaworthiness and is for the same cause of action as Count I.

WHEREFORE, the plaintiff demands judgment against the defendant Sandler Fisheries, Inc., Inc. in the sum of SEVEN HUNDRED FIFTY THOUSAND (\$750,000.00) DOLLARS together with costs and interest.

### **COUNT III**

First: The plaintiff reiterates all the allegations set forth in Paragraphs "First," "Second," "Third," and "Fourth," of Count II.

Second: As a result of his injuries, the plaintiff incurred expenses for his maintenance and cure and will continue to do so all to his damage as will be shown at trial.

Third: The defendant did, in a willful and recalcitrant manner, fail to comply with its obligations to provide the benefit with appropriate and timely maintenance and cure benefits.

WHEREFORE, the plaintiff demands judgment against the defendant, Sandler Fisheries, Inc. in the sum of SEVEN HUNDRED FIFTY THOUSAND (\$750,000.00) DOLLARS together with costs and interest; and, in addition, an award of punitive damages and attorney's fees for the defendant Sandler Fisheries Inc.'s willful and persistent failure to make prompt payment of maintenance and cure during the period of the plaintiff's disability.

### **PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES**

Plaintiff,  
By his attorney,

/s/ Brian S. McCormick, Esq.  
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